

D44

①

44-1

D44 MIHAIL BELITZKY

20 C. 29 VAN CHEN BAN, P. CHAZELLE, WONG
NAN-PONG, SHEN. du PAC de MARSAU-
LIES, IVANOVSKY, HRDLINSKY, CAPT
FIDRI, COL JAO, HO CHE TSUNG,
d'HODGHE, BARRAUD. STEVENS, GEN.
CHANG HSUEH LIANG, CHIANG KAI-SHEK
R.T. BRYAN, JACOBS, MEINHARDT
ALLMAN, D SGT OVSIANNIKOFF. V.
URGINSON, A.A. USHAKOFF, ALIAS
FONGAUK, P.I. ALEXANDROFF, D.P.
ROJAEESTVENSKY, KYUNG YODDONG KWE



C. I. D. REGISTRY
 No. I. O. D. 44
 File No. 20 6 29

(C.I.D.) Office Notes

June 18, 1929.

Sir,

I beg to forward the attached letter which I received on June 17.

Very nice of Mr Wang in view
 of his disappointment at the action
 of the Provincial Court (in London)
 in freeing the prisoners
 JR

H. Robertson
 D. I.

A. D. C. I.

Melitzky
 A.D.C.I.

I think this letter considering the
 circumstances is a tribute to
 Det. Insp. Robertson's diplomacy.

Yes, Insp. I received
 much common sense & diplomacy
 in this matter which I
 appreciate.
 19/6 LCA

C.D.I. Robertson
 (D.I. Robertson)

Please note

C.D. Reg. 20/6/29
 File please
 JH

Noted
 H.R. 20/6/29

JH
 18/6/29

東省特列區警務處

哈爾濱警察總局

СЛАВНОВ

Политическое Управление

Особая полиция

Восточных провинций

Сыскное Отделение

HARBIN, June 5-th, 1929.

Mr. G. ROBERTSON,

CHIEF DETECTIVE BUREAU,

BRITISH MUNICIPAL POLICE,

SHANGHAI.

Dear Sir:-

I beg to convey my sincere thanks to you for the concurrence & assistance kindly rendered to me in connection with the arrest of MICHAEL BELITSKY.

I shall be glad to have the pleasure to be of any service to you whenever a occasion should require it.

With my greatest esteem, I beg to remain, Sir,

Yours Respectfully,


VAN - OKE - 
Chief Detective Department
of Harbin

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. 44
Date 3. 6. 29

THE SHANGHAI SUNDAY TIMES, JUN

(From Our Own Correspondent.)
Harbin, May 28.

Alleged Passport Forger

Thanks to the information supplied by the police of Shanghai, the man Belitsky who is alleged to have forged many passports in Harbin and fled to Shanghai, was traced back to this town and discovered by the local detective force on the other side of the river. The Chief of Police sent a special telegram of thanks to the police of the French Settlement of Shanghai for the aid they gave.

a. c. (Pol)

Arrest already reported

H.R. 259

a/p.b.i.

Information

Thy

4/12

SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. 44
Date May 20 1922

Subject (in full) Arrest of Mikhail Beliatzky in Harbin.

Made by D. I. Robertson. Forwarded by J. H. Robertson C.I.D. 1.

Mr. P. Chazelle of the French Police is in receipt of a telegram from the Harbin Authorities to the effect that Mikhail Beliatzky was arrested in that City on May 17. In consequence of this, Mr. Van Chen Pan, Chief of the Harbin C.I.D. left for Harbin in the "Tientsin Maru" on May 18.

H. Robertson
D. I.

A/D.C.I.

W.S.
20:5:24.

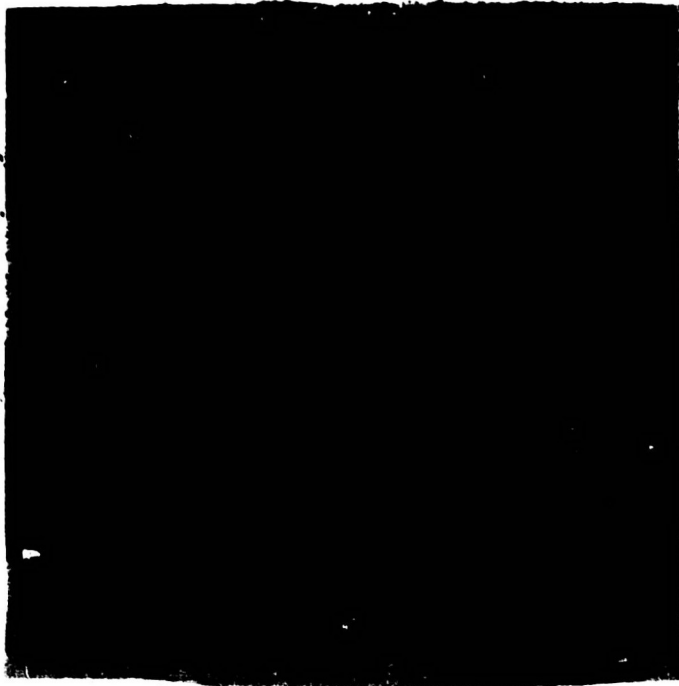
Lead
7/18

SANDHURST MUNICIPAL POLICE

C. I. D. REGISTRY

D. 44.....

12.29.....



SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE
G. I. D. REGISTRY
No. I. O. D. 444.....
Foreign Section Station,
I. C. Station 12: 4: 29.....
Date April 10, 1929.

Subject (in full) Arrest of Mihail Beliatsky

Made by D. I. Robertson. Forwarded by

J. H. Guiness A. B. H.

Mihail Beliatsky failed to appear before the French Mixed Court on April 10, when his case was presented and his lawyer Mr. du Pac de Marsoulles hinted that he was probably kidnapped by the Chinese Authorities in order to be sent to Harbin.

Beliatsky was last seen in the company of a Russian chauffeur named Ivanovsky with whom he left his quarters at 349 Avenue Joffre at 10 a.m. on April 7.

Hroolinsky, who signed the guarantee bond for Beliatsky to appear in Court has been arrested and temporary detained by the French Police.

H. Robertson

Int. Sec. 10/4

Gen. 9 1/2
APR 11 1929

SHANGHAI MUNICIPAL POLICE.

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY

Foreign Section, 4th.....
I. O. Branch. SHANGHAI.
Date April 9, 1924

REPORT

Subject (in full) Arrest of Mihail Beliatsky.

Made by D. I. Robertson.

Forwarded by

Mihail Beliatsky again appeared before the French
Mixed Court on April 5, when owing to the latter date being
a holiday the case was remanded until April 10.

A. Robertson
D.I.

8/4/24

Rec

SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE

C. I. D. REGISTRY

No. *L.O.D. 44*.....

Central I.B. *44*.....

Date.....

Date *March 23rd 1929*

Subject (in full) *Arrest of Mihail Beliatsky.*

Made by *D. I. Robertson.*

Forwarded by

J. K. Swens A. G. Pol

Mihail Beliatsky appeared before the French Mixed Court on remand on March 22 when the proceedings were again remanded until April 5, 1929. Beliatsky was released on personal bond, guaranteed by a Russian Hroulinsky, to appear before the Court on the day in question.

H. Robertson
D. I.

A/D.C.I.

C. P. Information
23/3. A. G.



Made by D. I. Robertson.

SHANGHAI MUNICIPAL POLICE.

REPORT

Station.

Date 19

Subject (in full)

Made by

Forwarded by

- 2 -

and on March 15 Beliatzky appeared before the French Mixed Court. At the proceedings apparently Mr. D'Hooghe was in possession of a copy of the evidence offered in the case concerning Beliatzky in the Provisional Court and from it learned that the statement made by the President of the Provisional Court in his letter, to the effect that Beliatzky should be handed over to the Harbin Police, was erroneous in so far that the decision to hand Beliatzky over was only that of the Judge and not of the Assessor who did not concur. Mr. D'Hooghe therefore remanded the case for one week for further inquiries.

At the hearing of the case Beliatzky was defended by Mr. A. du Pac de Marsoulies, while Mr. Barraud prosecuted on behalf of the Harbin Authorities.

H. Robertson

D. I.

C.F. Interesting to see what happens.

N/ D.C.I.

16/3. Len.

*for Sec. Report later
18/3*



SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. b. n.
GENERAL I. B.
Date

Date March 9, 1929

Subject (in full) Interview with Mihail Beliatasky.

Made by D.S. Ovsiannikoff

Forwarded by

J. H. Givens A.B. Pol

From 7 to 9 p.m. on March 8, I, in company with Mr. Van Chen Ban interviewed Mihail Beliatasky at 349 Avenue Joffre, apartment No. 3.

In the course of the interview Beliatasky related to Mr. Van Chen Ban how the forgery of passports was made in Harbin mentioning the names of several persons involved and at the same time admitting his own guilt. In consequence of his frank admission Mr. Van Chen Ban asked him to go to Harbin and clear his name. Beliatasky refused, but promised to make a written statement of the affair to be delivered to General Mi Chung Lin, Chief of the Harbin Police, by Mr. Van Chen Ban. At the conclusion of the interview it was decided that Beliatasky should send a telegram to General Mi Chung Lin asking if in the event of his returning to Harbin he would be tried in Court. It was also arranged that Mr. Van Chen Ban should at the same time send a telegram to General Mi Chung Li asking him to give a guarantee that Beliatasky would not be tried in Court for the offence but if disciplinary action was necessary that he be subject to jurisdiction of General Mi Chung Lin in his capacity as, Chief of Police.

V. Ovsiannikoff
D. S.

Dr. Information
Real

A.D.C.I.

MAR 9 - 1929

Ac. (Pol)
 Surely he can now prove his case & get evidence & warrant for the arrest of the man in proper manner
Real

SHANGHAI MUNICIPAL POLICE.

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. 10 D. H. H.
CENTRAL I. H. H.
Date.....
Date March 8, 1929

REPORT

Subject (in full) Application by Harbin Authorities for the handing over
of Michael Beliatzky.

Made by D. S. Duncan

Forwarded by

J. H. Swens A. B. (Pol)

Michael Beliatzky, wanted by the Harbin Authorities, again appeared before the Provisional Court on March 7, 1929 when the following charges were preferred against him:-

- (1) For that he at Harbin in February 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him Contrary to Article 144 of the C.C.R.C.

Further charged.

- (2) For that he at the same time and place did fraudulently alter a passport to wit passport No. 2364I Contrary to Article 229 of the C.C.R.C.

Further charged.

- (3) For that he at the same time and place did counterfeit certain seals to wit the seals of the Harbin Authorities Contrary to Article 234 of the C.C.R.C.

After Mr. Van Chen Ban had produced the forged document and given evidence in connection with same the Senior Consul Deputy, Mr. Stevens, stated that a prima-facie case of guilt had not been established and that the prisoner should be released from custody. The following endorsements were made by him on the Charge Sheet:-

"28/2/29

If a proper despatch warrant is not received from the Harbin Authorities by March 7th accused should be released. Remand until March 7th."

"7. 3. 29

In order that subversive influence from without may not undermine the traditional political neutrality of this Settlement, which has long secured a proper measure

SHANGHAI MUNICIPAL POLICE.

REPORT

Station, _____

Date _____ 19 ____

Subject (in full) _____

Made by _____

Forwarded by _____

- 2 -

of protection to all law abiding inhabitants, regardless of their political creed or party affiliation, it has become the established practice of this Court in the absence of any agreement on the subject between the higher authorities, to grant an application for extradition only after the extra Settlement Authorities requesting the surrender have applied for it with a despatch warrant in proper form and bearing the seal of a responsible official. This warrant must identify the person wanted and charge him with a recognized offence against the laws of China beyond the jurisdiction of this Court, and be accompanied by sufficient evidence to establish a prima facie case of guilt. When this accused was before the Court on February 16 and 19 respectively these requirements had not been complied with. The case was remanded twice to give the Harbin Authorities a reasonable time in which to file a proper dispatch warrant and prefer a recognized charge. A recognized charge has not been preferred by the Harbin Authorities nor is the evidence submitted sufficient to constitute a prima-facie case of guilt. The prisoner should be released from custody*.

As at the previous hearings the Judge maintained that the prisoner should be handed over to the Harbin Authorities.

Beliatzky was returned to Amoy Road Gaol from where he was released at 12.40 p.m. same day 7/3/29 by instructions of the D.C.P.

In the course of a visit to this office during the afternoon of 7/3/29 Mr. Van Chen Ban expressed surprise that Beliatzky had been released as General Chang Hsueh Liang had sent a telegram to President Chiang Kai Shek requesting

SHANGHAI MUNICIPAL POLICE.

REPORT

Station _____

Date _____ 19 ____

Subject (in full) _____

Made by _____

Forwarded by _____

- 3 -

that he be not released. Mr. Van Chen Ban further stated that he would interview the President of the Provisional Court to-day, March 8, in connection with the matter.

Shenckars

D. S.

A/ D.C.I.

NR. 8 3/9

A

D. S. Dviannikoff is interviewing Beliatky this afternoon but has not yet returned

NR. 8 3/9

A/D.C.I.

Information and answer of return please.

J.H.

8/3/29

Thank you for 9/8. Kca

A/D.C.I. haanth.

Reference "A", report of interview

J.H.

9/3/29.

Translation of a letter from Mee Tsung Ling
Police Controlling Department of the Special Area,
Eastern Provinces to Mr. Peck.

I am unable to meet you in person as you are staying in the South. Learning from the reports made by Chief Wong on his return, I feel much grateful to you and wish to thank you for your valuable assistance rendered and the trouble you thus taken in the enquiry and arrest of one Bilasky (别拉司基), Russian absconded from office. In consequence thereto the guilty person is unable to conceal or abscond.

Signed and chopped by Mee Tsung Ling.

Received in
Mee Tsung Ling
9/3

上海公共租界工部局警務處總稽查處

青島市

貝克先生台啓

東省特別區警察管理處緘

貝克先生執事分馳南朔未揚
光儀以次進負俄人別拉司基
潛匿滬上派員偵緝頃由王局
長回來報告知蒙

竭力幫忙使罪人去可避匿滋費
心神莫名感佩尚此鳴謝教以
春祺

卽
宋多卿拜啓



HARBIN DETENTION CASE

Instructions of Provincial Court Judge and
Deputy in Alleged Passport Forgery Charge

ACCUSED'S WILLINGNESS TO RETURN NORTH

In a second protest in the matter, Senior Counsel's Deputy, Mr. Stevens, again took issue with Judge Shen yesterday at the Provincial Court in the case of Michael Belitsky on a charge of forging passports at Harbin, where the accused was employed and the case yesterday reached a deadlock when the Deputy ordered the man to be freed and the Judge ordered his extradition to the northern city to stand trial.

The specific charge against the man reads, "For that he at Harbin in February, 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him." Later came the additional charge, "For that he at the same time and place did counterfeit certain seals, to wit, the seals of the Harbin authorities."

At the original hearing, it was brought out by the Public Prosecutor, Mr. E. T. Bryan, that the accused was arrested in the Settlement following the receipt of a telegram from Harbin, asking for his detention.

Confession Denied

D. S. Duncan testified that, when the accused was brought to the local police headquarters, he confessed to passport forgeries but when asked the truth of this by the Judge, Belitsky indignantly denied it.

Two days later a Harbin police official arrived here with a passport for the release of the man to Harbin, but not a proper dispatch warrant. The official testified that the accused had been guilty of certain passport irregularities and when asked to explain to his superiors, he absconded and fled to Shanghai. The accused said he came here to take back some relatives and professed ignorance as to the passport matter.

Mr. Stevens then asked what the accused had done and was told that pending the hearing over by the accused of charges to Harbin, the Harbin authorities could place no definite charge against him, as he was holding no evidence. The Deputy then said that the Court had no power to extradite a man unless specific proof was presented as to his guilt and as this was not forthcoming in the present instance, the Deputy was against the extradition. In testimony, the Harbin official said, "We cannot touch his office. If we were to break open the office the accused would say that we had interfered with the

papers and we would lose all our evidence."

The Deputy could not see the matter in quite this light and asked how the officials knew the man was guilty if they had not opened his office and gone through his documents?

The reply was that the passports from Harbin came in three parts, two of them bearing photographs of the persons to whom they are issued and that one of these was detained at the office of the accused. An instance was quoted in which a man had a passport and when the authorities looked up his file in Belitsky's office they found a different photograph. The man in question is alleged to have said he paid \$80 for "the accommodation."

The Deputy's Refusal

Here the accused made a different story of his difficulties and stated that he loaned the keys of his desk to another man and that the newcomer was guilty of the forgeries. However the accused felt he was thus responsible and asked to be returned to Harbin to stand trial. The Deputy became suspicious and asked if "anyone suggested to you that you plead guilty and ask to be returned to Harbin to stand trial?" but got no decisive answer.

The Deputy then refused to permit him to be handed over until a prima facie case had been made out against him.

The accused then "confessed" to the crime and when asked by Mr. Stevens, "What crime?" said, "My crime is that I left Harbin without handing over my business and keys. I left the keys at home with my wife."

The Police Prosecutor then took a hand and said he would charge the accused under Article 144 of the Criminal Code regarding a public officer suppressing or abandoning public documents, but still the Deputy was obstinate.

"That does not make out a prima facie case," he said. "The confession of a crime by a person does not necessarily make him guilty. He is guilty of nothing but leaving his keys with his wife."

The accused then expressed his willingness to return to Harbin whether in police custody or free and the Judge ordered him to be handed over. Mr. Stevens ordered the man to be freed "at the end of 14 days unless a prima facie case can be made out against him" and wrote such an order into the records.

SHANGHAI MUNICIPAL POLICE.

CRIMINAL INVESTIGATION DEPARTMENT

File No.

Reference Slip from D.C.I's. Office.

THIS SLIP MUST NOT BE DETACHED.

TO:	INSTRUCTIONS:
A. C. (Crime)	For disposal
A. C. (Pol.)	Furnish data
Prosec. Solicitor	Investigate and report
Supt. "A"	Note and file
" "B"	Note and return
" Hdqs.	Report present status
C. I. D. Reg.	Submit recommendation
Arms Section	For further report
<i>for Sec.</i>	For opinion
	Reply to writer direct
	See me in re:
	Attach File
<i>What happened?</i>	
Initials <i>ka</i>	For File
Date <i>8-3-24</i>	Date

Noted and
Returned

Date *1 / 1*



Shanghai Municipal Council

SHANGHAI MUNICIPAL POLICE C. I. D. REGISTRY D. H. H. Date 2/21/29

PROSECUTING SOLICITOR'S OFFICE

Shanghai, February 21, 1929.

Acting Director of Criminal Investigation,

Re Release of Prisoner from Custody

With reference to this matter, I have interviewed Mr. Stevens, and I attach hereto a memorandum made in his own handwriting. I am inclined to agree with Mr. Stevens that the plan proposed would in effect amount to extradition. The record in the case has been presented by Mr. Stevens to Mr. Jacobs, Mr. Meinhardt and Mr. Cunningham. I am attaching hereto copy of memorandum made by them, in which they state that they concur with Mr. Stevens.

It is true that no proper dispatch warrant has been issued, and I suggest that the only legal way in which the accused may be extradited is for the Harbin Authorities to telegraph for further evidence and a proper dispatch warrant.

R. J. Bryan, Jr. Prosecuting Solicitor.

Handwritten notes: M. Belichky was released from custody 12:40 pm 2/21/29. They do so yesterday.

Handwritten notes: RTB/I, D.C.I., T.S. is applying for a further remand in this case to enable documents to be sent down from Harbin. 2 P.D. I, E.g. day before time expires or when documents are received from Harbin. 2/2, 25/2/29.

The manner of releasing
a prisoner from custody was a
matter of police adminis-
tration for the ^{and legally} purposes,
which the police were re-
sponsible. He further
stated that it appeared to
him that forcing this man
to buy a ticket and placing
him on board a ship in
the Settlement where in effect
he ~~was~~ would be ⁱⁿ under
the ~~custody and under the~~ control of the Harbin
authorities might be inter-
preted as an illegal extradition.

MEMORANDUM

AMERICAN CONSULAR SERVICE

SHANGHAI

Dated **February 20, 1929.**

All memos must be
initialed and dated.

Margin to be left
blank.

Attached referred to **C**
for information, comments, explanation

**Stevens asked my opinion on
this and I agree with him that
extradition should not be grant
ed until**

**(1) a despatch warrant from
the Harbin authorities has
been presented, and**

**(2) some further proof of a
crime be presented.**

JXJ

Concur

HSC

2-21.

**I concur too but with a pro-
per despatch warrant and a
proper charge, probably little
further evidence will be
required.**

CDM



C.I.B. HEADQUARTERS,
ADMINISTRATION BUILDING.

20.2. 1929.

P.P. Please let me have your views first. It would appear that the Deputy's decision does not stop us from releasing him if he desires to go & we are satisfied he does so?

20/2

Leahurst
april.

Memorandum.

POLICE FORCE,
MUNICIPAL COUNCIL,

Shanghai.

FEB 20 1929

To

be arranged, have the
accused interviewed. If
he is prepared to return
to Harbin get him to
confess in writing. He
can then be released on
bail during the ship. Let
Mr. Bryan know we propose
doing this & if accused
is agreeable, he (Mr. Bryan)
can inform Mr. Stevenson

Reidy

Extract from Shanghai Provisional Court Register for Tuesday, 19th Feb. 1929.

Register No. 2/79001 Station Central Deputy Mr. Stevens Judge Mr. Shen.

Page No. 2.

Further
Charge

For that he at Harbin in February 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him, Contrary to Article 144 of the C.C.R.C.

Proceedings

Mr. Bryan appeared for the Police.

Mr. Bryan:- This accused was before the Court on the 16th inst., and remanded in custody to give the Harbin Authorities six to arrive in Shanghai. Mr. Wong is in Court this morning as the representative of the Harbin Police and has brought with him a passport but not a proper despatch.

Witness (Wong Ching Paung):- I am an Inspector in the Harbin Police. I know the accused. He is employed by the Police in our passport office. He made mistakes in the passports and I asked him to come to my office for enquiries but he absconded. We telegraphed from Dairen to Shanghai to have him detained. I have come here specially to take him back.

Deputy:- Interpret to the accused all that has been said. (This was done).

Deputy to witness:- What actual offence against the Law has this accused committed?

Witness:- At present the most important thing is that he hand over all the documents he was put in charge of. We cannot frame a definite charge until we have examined these documents. At present we do not charge him with theft.

Deputy:- This Court cannot extradite a person from this Settlement unless he has committed an offence against the Laws of China.

Witness:- I found out that he had forged documents and embezzled money.

Deputy:- Forged what documents?

Witness:- He forged passports.

Deputy:- Have you any evidence to support this charge?

Witness:- The evidence is in Harbin. I have no evidence with me.

Extract from Shanghai Provisional Court Register for 192

Register No.

Station

Deputy Mr.

Judge Mr.

Case No. 2/79001.

Page No. 3.

Deputy to witness:- You say that the accused is in possession of certain things he should have turned over to the Harbin Authorities. What are they?

Witness:- This man was in charge of the passport office of the Harbin Police for 9 years and he has to hand over the passports that he has issued during these 9 years.

Deputy:- How can he hand over passports that he has issued to other people?

Witness:- We do not know how many passports he has not issued. He locked up the drawers and we have not opened them.

Deputy:- Why do you suspect that he is in possession of these passports?

Witness:- He was specially in charge of the passports and he has forms that have not been filled in and also those passports that have been issued, then returned and cancelled. All these papers are in the office he was in charge of in Harbin. The accused must go to Harbin to hand over these papers.

Deputy:- Who is in charge of this office now?

Witness:- We are in charge of it at present.

Deputy:- How can the accused stop you going and getting these documents?

Witness:- We cannot touch this office. He has the keys. If we were to break open the office the accused could say that we had interfered with the papers and thus we would lose all our evidence.

Deputy:- You say that certain passports are missing. How do you know these are missing if you have not opened the office?

Witness:- These passports are in three parts and two of them bear photographs of the person to whom it is issued. One of the portions with the photograph on is detained by the passport office. We had a case in which a man had a passport and when we looked up the corresponding number in our files we found that the photographs

Extract from Shanghai Provisional Court Register for

192

Register No.	Station	Deputy Mr.	Judge Mr.
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Case No. 2/79001.

Page No. 4.

were not the same. We asked the man how he came to be in possession of the passport and he told us that he paid \$80.00 for it. We want to find out how many times this has been done.

Accused:- I am not in charge of the passport department but am in charge of archives. The passports are in three portions and one is given to the man to whom the passport is issued. I did not sell the passport for \$80.00. This was done by another man. I am guilty in this case and I ask to be sent back to Harbin. I wanted to send a letter to the Chief of Police in Harbin and explain every thing. I was afraid to be arrested in Harbin.

Deputy to accused:- What offense are you guilty of?

Accused:- I am to blame as I have the keys of the drawers and I let another man have them. When this was discovered I was afraid and ran away to Shanghai.

Deputy:- This is no crime against the law of China. Did you embezzle any money or did you make away with documents from the Harbin passport office?

Accused:- I am responsible for all the books and passports kept in this office and because another man forged a passport I am responsible. The man who did this took the bribe and I am therefore involved in this case.

Deputy:- Did anyone suggest to you that you plead guilty and ask to be returned to Harbin to stand trial?

Accused:- I know that I will have to return to Harbin as I did not hand over all my files. There is a room containing about 30,000 files and I have to hand over these.

Deputy:- Did you make away with or appropriate to your own use any of these documents?

Accused:- I did not. I wish to return these to the Chief of Police so as to find out who is guilty.

Deputy:- Is that the only reason for your pleading guilty to an offense against the Laws of China? This man should not be

Extract from Shanghai Provisional Court Register for

192

Register No.	Station	Deputy Mr.	Judge Mr.
	<u>Case No. 2/79001.</u>	<u>Page No. 5.</u>	
	handed over unless he has committed a crime against the Laws of China and a prima facie case made out against him.		
	Accused:- I confess to this crime.		
	Mr. Bryan:- What crime are you confessing to?		
	Accused:- My crime is that I left Harbin without handing over by business and keys. I did not take a bribe. I did not misappropriate any money or documents. I left my keys in my home with my wife. They are the only keys that open my office.		
	Mr. Bryan:- You misappropriated the keys, in other words you misappropriated the documents.		
	Accused:- I am willing to go to back to Harbin with the detectives. I want go back.		
	Mr. Bryan:- Why do you want to go back?		
	Accused:- Why should I be detained in prison here when I can go back to Harbin and explain all the circumstances to the Chief of Police and probably be only dismissed from my position.		
	Mr. Bryan:- I call the Court's attention to Article No. 144 of the Criminal Code regarding a public officer suppressing or abandoning public documents.		
	Deputy:- What are you charging the accused with?		
	Mr. Bryan:- I intend to charge him under this Article No. 144. He admitted having the keys and leaving them with his wife. That alone makes out a prima facie case and in fact is enough to convict him.		
	Deputy:- It does not make out a prima facie case. You as a lawyer should know that the confession of a crime by a person does not necessarily prove him guilty. He is guilty of nothing except leaving his keys with his wife.		
	Mr. Bryan:- Here is a man that wants to get back and clear his name. I as a lawyer know that if a man pleads guilty of his own free will a Court will not go behind such a statement.		
	Deputy:- This man has been left undefended by Counsel to which he is entitled by law. Moreover he wants to go back but		

Extract from Shanghai Provisional Court Register for _____ 192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Case No. 2/79001.Page No. 6.

is detained here in prison by the Police.

Accused in reply to the Judge:- Two days before I left I found out that other documents had been forged. I did not report the matter because there was a six days Chinese holiday and I might have been arrested before I could have explained things. Consequently I ran away to Shanghai and intended to write a full explanation to the Chief of Police in Harbin. I did not conspire with the other men but I am responsible for the files and when I found out that something was wrong I ran away to Shanghai. There is no money that I have not handed over. No money passes through my hands. I am willing to go back to Harbin.

Deputy to accused:- Do you know that if you are released by the Police here you can go back to Harbin of your own free will?

Accused:- If I was released to-day I would return to Harbin to-day. (In reply to the Judge) I do not care whether I go with Mr. Wong or by myself.

Judge:- My opinion with-in of this case is that if there is a suspicion of crime the accused may be extradited. If this Court extradites accused from other countries it does not always mean that the Court will sentence them, likewise if we extradite this accused to Harbin, ^{and} if the Harbin Court does not find him guilty they will not sentence him. I order that he be handed over.

Deputy:- He is to be released by the Police within 14 days from date of arrest.

Mr. Bryan to the Deputy:- I would like to know what your Honour would consider a prima facie case? I consider that I have proved one today.

Deputy:- The proving of a prima facie case depends upon the circumstances and evidence brought before the Court.

Mr. Bryan:- If the Court makes this order I wish to put forward a charge under Article No. 144 and then if Your Honour refuses to agree to the extradition I do not know what I can do.

Extract from Shanghai Provisional Court Register for

192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Case No. 2/79001.

Page No. 7.

Deputy to Mr. Bryan:- Why do you put this charge on the sheet?

Mr. Bryan:- Because you say that a prima facie case has not been proved and that you must have evidence.

Deputy:- Produce your evidence. Mr. Bryan, I have already told you that the evidence before the Court today is insufficient to establish a prima facie case. If you receive further evidence during the next few days you can bring the case up again.

Mr. Bryan:- It is impossible to produce further evidence.

Deputy:- Then the man must be released within 14 days from date of arrest.

Mr. Bryan to Deputy:- Will you consider having the case put before another Deputy or can we appeal? I submit that this cannot be final. I say most respectfully that you are entitled to your opinion that a prima facie case has not been established but I most respectfully suggest that you are wrong and that a prima facie has been made out. If another Deputy or the Appeal Court agree with you then I have no more to say. I have now proved a charge and I most respectfully ask you to reconsider your decision that a prima facie case has not been made out.

Deputy:- I have already given my decision and it cannot be altered.

Decision

Endorsement by the Judge.

To be handed over to Director Wong Tseng Paung to bring him back.

Endorsement by the Deputy.

Unless and until this accused is charged with an offence against the laws of China and a prima facie case of guilt is established against him in this Court he should not be turned over to the custody of the Harbin Authorities. He should be released from custody with 14 days of arrest unless he is so charged.

L.R. Dutcher.

Extract from Shanghai Provisional Court Register for Monday Feb. 4th 1929

Register No. 2/78,500 Station Central Deputy Mr. Walters Judge Mr. Chen

Accused

**Alexand, Alexandrovich Ushakov, alias A.A. Funguk.
aged 38. Russian. Chauffeur.**

Charge

Arrested on Warrant:-

For will he being concerned together with another person at present not in custody did obtain from the complainant by fraud, the sum of Yen 16,000 in October 1928 at Harbin.

Cont to Art 345 of the C.C.R.C.

Compt:- National City Bank (American)

Proceedings

Mr. Bryan appeared for the Police.

Mr. Allman appeared for the complainant.

Mr. Bryan:- The accused in this case was arrested on a warrant issued at the instance of the National City Bank, who are represented by private Counsel.

D.S. Ovsianmihoff:- I arrested the accused on a warrant issued by this Court. The accused made no statement except that he knew nothing about this case. This telegram (produced) was sent from Harbin to the Police at 2 p.m. on the 2nd inst.

Mr. Allman:- The bank received information from Harbin that a man named V. Urginson had defrauded the bank of Yen 16,000, and the Police have information directly that this accused is also concerned in this forgery, and with the Court's permission I will read out a telegram received from Harbin (read out). There is also a warrant issued for the arrest of V. Urginson, but he has already left Shanghai. I ask the Court to question this accused as to his right name and that he be detained pending the arrival of a Police escort from Harbin. The Police here have already telegraphed for this escort.. The charge is of forging cheques on the National City Bank at Harbin. The Police at Harbin wish his extradition to Harbin and we have no objection. We are not prepared this morning to make out a prima facie case as we have not the necessary documents from Harbin, but this will be done at a later date.

Accused:- My name is A. Ushakov, and I reside at 30 1/2 Linsen Terrace. I am a chauffeur by profession, but at present I am unemployed. I am in no way connected with this forgery.

Extract from Shanghai Provisional Court Register for _____ 192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Case No. 2 / 1922. Short No. 2.

I was six years in my employment at Harbin and had a very good reputation. I left Harbin about 4 months ago and arrived in Shanghai 3½ months ago. I came direct to Shanghai, except for the short time that I waited for a train at Mukden. I came to Shanghai to get a better job and to improve my English. I pay \$25 a month for the room where I live, this includes my board.

Mr. Bryan:- I ask that this accused be detained in Amoy Road Gaol as the station have not the facilities.

Decision

"Defendant may be detained for two weeks pending the arrival of evidence etc, from Harbin. If at the expiration of that period no evidence is forthcoming he will be released."

(Defendant may be detained at Amoy Road Gaol)

G.E.T.

Extract from Shanghai Provisional Court Register for Thursday, Feb: 28th 1926

Register No. 2/79,002

Station Central

Deputy Mr. Stevens

Judge Mr. Hyui

Sheet No. 2.

**Proceed-
ings.**

Mr. R.T. Bryan appeared for the Police.

Mr. Bryan to Deputy Mr. Stevens:- According to the telegram received the representative from the Harbin Authorities will be back by March 7th. If the Court adjourns the case it will give the Harbin Authorities time to prove the case.

Accused to the Judge :- I have already been detained 14 days and there has not been any proper charge preferred against me.

Judge to Mr. Bryan :- I will round this case and the accused to be still detained in custody, pending the arrival of the Harbin Authorities.

Decision

Endorsement by the Judge.

Since Director Wong Tseng Tsung has already returned to Harbin, the accused is to remain in custody for the time being and to be handed over to Director Wong upon his arrival in Shanghai again.

Endorsement by the Deputy.

If a proper Despatch Warrant is not received from the Harbin Authorities by March 7th, the accused should be released.

Remained until March 7th. 22. 1926.

A.V. Stevens.

MEMORANDUM.

FROM THE PROSECUTING SOLICITOR'S OFFICE,
SHANGHAI MUNICIPAL COUNCIL.

To.....

D. L. I

Shanghai,

March 6 1929.

Sir,

I forward herewith for information
a resume of the evidence now available
against Michael Beliatshy, &
translations of the documents brought from
Harbin to support the application for
extradition.

R. W. Forke,
Asst. Supt.

Resume of evidence etc. to be produced against Michael
Beliotsky on March 7th.

Chief Detective Inspector Waung Tsung Paung has returned from Harbin and produces the following documents and evidence.

- (1) A despatch addressed from the Special Area of Three Eastern Provinces to the Provisional Court requesting that Beliotsky be sent to Harbin for trial. (Despatch and translation attached herewith)
- (2) A report of an investigation conducted by a specially appointed committee of six who have examined the archives formerly under the control of Beliotsky. (Report and translations attached)
- (3) C.D.I. Waung will produce a folio containing passports and show the Court that on the 7th day of the 10th moon on the 18th year of the Republic, passport No. 23641 was issued to Demetri Petrovich Rojdestvensky. This passport signed by Kyung Yoong Kwe, (金榮桂) Chief of Police, was valid for one year. On expiry, the passport was returned to Police Headquarters by Rojdestvensky and he was issued with passport No. 22943.
Passport No. 23641, as a time-expired document passed automatically into the hands of Beliotsky for filing purposes.

In consequence of suspicion aroused, enquiries were made re. passport No. 3443 in the possession of one Peter Ivanovich Alexandrov issued on the 5th day of the 2nd moon, 1929. It was known that Alexandrov had previously failed to obtain the necessary guarantors, hence the enquiry which showed that passport No. 23641, (issued to Rojdestvensky - see para. 1) was, at this later date, filed in the archives bearing a photograph

of Alexandrov. The written details as to birth, etc also referred to Alexandrov in the Russian language, but the particulars as related in Chinese referred to Rojdestvensky. Subsequently, Alexandrov admitted that he paid Beliotzky \$80.00 in order to obtain a passport. Beliotzky is therefore alleged to have forged and altered the particulars on the time-expired passport and substituted the photograph of Alexandrov for that of Rojdestvensky.

Alexandrov and a Chinese employee are detained in Harbin in connection with this forgery.

Several forged chops as described in the report of the investigating committee, were found in the desk used by Beliotzky and C.D.I. Waung will testify to this effect.

As no charge is embodied in the despatch, Beliotzky will appear on the original charge framed under Article 144 of the C.C.R.C.

**DISPATCH FROM POLICE HEADQUARTERS OF SPECIAL AREA OF
EASTERN PROVINCES TO PROVISIONAL COURT.**

We beg respectfully to inform you that Waung Tsung Paung, our Chief Detective Officer has returned from Shanghai to Harbin and reported that our deserted employee Bilisky alias Mibalilsky is under arrest and in your custody, and that a prima facie case must be established before he will be handed over and taken to Harbin.

We are forwarding you herewith all the necessary exhibits in the case against this prisoner. Please acknowledge, ^{receipt} of same. After trial, please hand the said prisoner Bilisky alias Mibalilsky over to Waung Tsung Paung, our Chief Detective Officer together with the above mentioned exhibits and transfer to Harbin for trial.

Shanghai Provisional Court.

SUMMARY OF EXHIBITS.

- 1 book of counterfoils of 100 Resident passports embodied with 105 documents.
- 1 book of counterfoils of Temporary Resident passports vised. 100 handed in and 100 vised. Embodied with 285 documents.
- 1 Temporary Resident passport No. 3443
- 1 " " " " No. 98
- 1 Forged round chop in Russian and Chinese characters.
- 1 Blue ink block
- 1 Forged brass chop of Director Tuan
- 1 Small parcel of red ink blocks
- 1 Forged tin round chop
- 1 Book of 100 counterfoils of Resident passports embodied with 105 documents.
- 1 Resident passport No. 22,943

March 1929.

(Chop) Police Headquarters of Special
Area of Eastern Provinces.

The undersigned hereby submit the results of their investigations. They were instructed to examine the records and books kept in the Passport Department of this Headquarters. In obedience to the instruction, the work was started on February 18, 1929. At 2 p.m. today, the undersigned minutely checked the number of counterfoils of the various passports issued in past years, and they found one new round rubber stamp bearing Chinese and Russian characters; one box of blue ink block; one brass personal seal of the former head of this Department Mr Tuan; a small parcel of red ink pads. They further found a round tin seal bearing the characters "Examined by the Harbin Bureau of Passport Examination for the Special District of the Eastern Provinces" They hereby forward the same for your inspection.

Attached.

One new round rubber stamp bearing Chinese and Russian characters. On the top it was inscribed "Decided." In the middle "February 8, 1929," in arabic numerals; at the bottom, the inscription is in the Russian language.

One blue ink block

One brass personal seal bearing "Tuan Hong Ping seal"

One small parcel of red ink pads

One round tin seal bearing the characters "Examined by the Harbin Bureau of Passport Examination for the Special District of the Eastern Provinces."

Dated 19th day of February, 1929.

Signed and sealed by six
persons.

SHANGHAI MUNICIPAL POLICE.

I.O. Foreign Section Station.

REPORT

Date March 6, 1929

Subject (in full) Arrest of Mihail Beliatzky

Made by D.I. Robertson.

Forwarded by

J. H. Quins A. B. (P. C.)

Mr. Van Chen San, D.C.I. of the Harbin C.I.D. arrived here on March 4, in the "Sainen Maru" and brought with him a Despatch Warrant, from the Harbin Authorities, for the arrest of Mihail Beliatzky, a document containing the result of a Commission appointed by the Chief of the Harbin Police to enquire into the Passport Files which were under the control of Beliatzky, several Passport Files which incriminate Beliatzky and a passport which was fraudulently obtained with the assistance of Beliatzky and sold for \$30.00 to a Russian named Alexandroff in Harbin.

On the afternoon of February 5, Mr. Van Chen San interviewed Atg. Supt. Yorke to whom he gave all documents with the exception of the Passport Files and as the result of a subsequent conversation with Mr. Bryan it was decided to charge Beliatzky under Article 144 of the C.C.R.C. when he appears before the Provisional Court on March 7. The latter is the original charge framed against Beliatzky when he appeared at court on February 19.

H. Robertson
D.I.

Translation from Russian.

T e l e g r a m.

Harbin, February 28, 1929.

I leave to-day with incriminating evidence on Belitzky's case.

(signed) Wang Gi Ban

Chief of the Criminal Department.

has

Translation from Russian.

T e l e g r a m.

Harbin, February 28, 1929.

I leave to-day with incriminating evidence on Belitzky's case.

(signed) Wang Gi Ban

Chief of the Criminal Department.

來報紙
RECEIVING

中國電報局

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JOURNAL NO.

THE CHINESE TELEGRAPH ADMINISTRATION

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附註
REMARKS

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MUNICIPAL POLICE INSPEKTOR ROBERTSON
SHANGHAI

SEGODNIA LICHNO VUEZGAIU OBVINITELNUMI DANNUMI
BELIZKAGO NACHALNIK SUSKNOGO OTDELENIA YANGIBAN

NOTICE

No delivery fee will be collected on telegrams delivered at any point within the unmentioned limits:

EAST—To the west end of the Woosung Military Road (Chungkung Road).

SOUTH—To Kiangnan-Arsenal and Lungwa.

WEST—To Hungjao Road, Siccawei & Jesfield Road.

NORTH—To the Tientungan Temple.

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在下列區域內不收專力費

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REMARKS

Sent to

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Words.

From

Date

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NOTHING TO BE WRITTEN ABOVE THIS.

VANGUARDIAN

25

POLITSDESKAYA

HANDIN

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BELITSKY

UZELOVNO

DO

MARCH

7

DOSTAVIE

DOKAZATELSTVA

VANGUARDIAN

IN

PORE

7

POLITSIA

SHANGHAI

Translations:-

BELITSKY CASE REMANDED UNTIL MARCH 7 BRING EVIDENCE OF
OFFENCE NOT LATER THAN 7 POLICE SHANGHAI.

I certify that the above Telegram may be forwarded according to the rules of the International Telegraph Convention, and according to the Administration's Conditions printed on the back thereof, by which I agree to abide.

Signature of sender.....

Address.....

Date.....

N.B. — You are requested before signing to READ THE CONDITION of the Contract on back

To prevent mistakes, attention is called to the importance of legible writing.

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. ... 44 ...
Date Filed No. ... 16 ... 1929

(D.) Office Notes

February 25, 1929.

Charge

Arrest of Mihail Beliatsky.

Before leaving Shanghai for Harbin in the s.s. "Sakaki Maru" on February 23, Mr. Van Chen Ban stated to D.S. Ovsiannikoff that he was anxious to have Mihail Beliatsky brought to Harbin for trial, and as soon as he arrived at his destination would dispatch an officer to Shanghai with the documents necessary to prove Beliatsky's guilt.

Mr. Van Chen Ban expressed regret that he had been unable to interview the A/D.C.I. on February 23, and requested that if the officer did not arrive in Shanghai in time to appear in Court on March 5, the date on which Beliatsky is due to appear; that the Municipal Police ask that the case be further remanded pending the officer's arrival.

H. Robertson

D. I.

W.S.
D.C.I.
25:2:29

PP
Lo note
25/2
Noted PP
Feb. 26, 1929

PP
27/2

(C.I.D.) Office Notes

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. *FD 12 44*
Date *2.19.29*

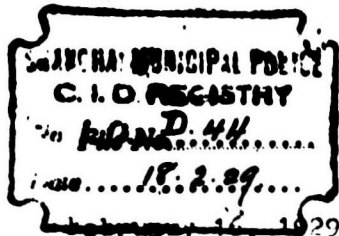
February 19, 1929.

With reference to attached, Mihail Beliatzky appeared before Judge Shen and Deputy Stevens at the Provisional Court to-day, February 19, when Mr. Van Chen Ban, Chief of the C. I. D. in Harbin gave evidence to the effect that certain falsifications of passports had been discovered and that Beliatzky was suspected of being implicated. He could not, however, produce direct evidence and Deputy Stevens endorsed the Charge Sheet as follows:- "Unless and until accused is charged with an offence against the laws of China and a prima facie case of guilt is established against him in this Court he should not be turned over to the custody of the Harbin Authorities. He should be released from custody within 14 days of arrest unless he is so charged". Judge Shen disagreed with Deputy Stevens' verdict and endorsed the Chinese Charge Sheet to the effect that Beliatzky should be handed over to Mr. Van Chen Ban. At this stage of the proceedings Mr. Bryan, Prosecuting Solicitor preferred a charge under article 144 of the C.C.R.C. which reads "For that he at Harbin in February 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him". In spite of this, however, Deputy Stevens held that a prima facie case had not been established and Beliatzky was accordingly remanded.

A/D.C.I.

D. S.

(C.I.D.) Office Notes



A/D.C.I.

With reference to the telegram from Van Chen Lan, Chief of the C.I.D. of the Harbin Police requesting the arrest of K. Mihail Beliatsky travelling to Shanghai in the s.s. "Dairen Maru", received on February 15, I.C.S. Makhlavsky was detailed to locate and watch the man on the arrival of the vessel at the Whangpoo Wharf. On the arrival of the latter officer at the wharf at 4:10 p.m. on February he found the vessel had arrived some 15 minutes earlier and on his going on board found Beliatsky already in the custody of two Japanese Consular Police.

Apparently the arrival of the latter officers was due to a telegram received by the Japanese Consulate from the Captain of the "Dairen Maru" who in turn had received a wireless message from Van Chen Lan at Dairen: the latter having pursued Beliatsky from Harbin to Dairen but failed to catch the "Dairen Maru" before it left. A telegram similar to that received by the Municipal Police was also received by the French Police.

After remaining on board until 6 p.m. the two Japanese Consular Police left the ship without clearly defining their intentions and the Captain requested D.S. Duncan, who had arrived on the scene, to wait until he communicated with the manager of the D.K.K.. The latter arrived about half an hour later and after consulting with the Captain until 8 p.m. informed D.S. Duncan that the Japanese Consular Police would come on board soon to take Beliatsky into custody. At 9 p.m. they had not arrived and the Captain ordered Beliatsky to leave the ship.

About 8 p.m., however, Det. Pararoff of the Harbin Police, who is at present in Shanghai in connection with another case, and D.S. Ovsianikoff arrived on board and to these officers Beliatsky repeated a confession he had previously made to D.S. Duncan and I.C.S. Makhlavsky to the effect that he had

(C.I.D.) Office Notes

2
absconded from Harbin through fear of being arrested for the falsification of passports whilst employed in the Passport Office at Harbin. In consequence of this confession it was decided to detain the accused and he was accordingly taken to Central Station. He has also been identified by Det. Baranoff as having been employed in the Passport Office at Harbin for three and a half years.

The accused was arraigned before the Provisional Court this a.m. when an application was made by D.S. Duncan through Mr. Bryan to have him detained in custody pending the arrival in Shanghai of Wan Cher Bar who is expected on the afternoon of February 15. The application was granted and the accused ordered to be kept in custody pending the arrival of a representative of the Harbin Police.

A. Robertson
D.I.

JMG

16:2:29

A.C. (Pol)
I appreciate
Robertson's effort
in this case
17/2
Dear
Noted A.R.

Det. Insp. Robertson,

Please note A.D.C. Is remarks.

JMG
18:2:29

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JOURNAL NO.

THE CHINESE TELEGRAPH ADMINISTRATION

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From		REMARKS	To	
時刻	15.2		時刻	
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INSPECTOR DETECTIVE SERVICE ENGLISH POLICE
SHANGHAI

PLEASE DATAIN MICHAIL BELIATSKY PASSENGER
DAIRENMARU ARRIVING SHANGHAI TODAY UNTIL MY
ARRIVAL DESCRIPTION BLACK OVERCOAT HIGH BOOTS
CARRYING BROWN PORTFOLIO LEAVING TOMORROW
INSPECTOR HARBIN DETECTIVE POLICE VANCHENBAN

譯 哈爾濱警察局偵探長范誠培(譯)來電

上海英捕房偵探長

請拘留今日(十五日)乘大連丸

抵滬之「密克爾貝連次基」至余到上海後為止

貝連次基穿黑色大衣長統皮鞋携梭色皮包
余于明日離哈來滬

上海電
CHINESE TELEGRAPH A

日七五與民育印里司設司

電報號數
TELEGRAM No.

14472

信差號數
Msg. No.

收報人名
Addressed to

Inspector Detective
Service English Police

If this telegram is not intended for you, please
return it to us at once

(C.I.D.) Office Notes

February 16, 1929

A/D.O.-1.

On receipt of the attached telegram requesting the arrest of one Michail Beliatzky travelling to Shanghai in the s.s. Dairen Maru from the Harbin Police, I.O.S. Makhlavsky was despatched to the Whangpoo Wharf to await the arrival of the said vessel with instructions to locate the man and watch where he went. A similar telegram was also received by the French Police. On the arrival of I.O.S. Makhlavsky at the Whangpoo wharf he found the vessel had already arrived at 4:10 p.m. and the subject of the telegram in the custody of two Japanese Consular Police who however left at 6 p.m. without taking the man with them. After the latter left the captain of the ship asked D.S. Duncan and I.O.S. Makhlavsky to wait while he communicated with the manager of the D.K.K. who arrived about half an hour later and after consulting with the captain until 5 p.m. informed D.S. Duncan that the Japanese Consular Police would arrive soon and take the man into custody. At 9 p.m. the Consular Police had not arrived and the Captain apparently thinking they were not coming ordered the accused to leave the ship. Since the accused, however, had already confessed to the Municipal Police Officers that he had absconded from Harbin where he had falsified certain passports he was taken to Central Station and detained. He has been identified by Det. Baranoff of the Harbin Police who is in Shanghai at present in connection with another case.

February 16, 1929

A/D.G.I.

On receipt of the attached telegram requesting the arrest of one Michail Beliatzky travelling to Shanghai in the s.s. Dairen Maru from the Harbin Police, P.O.S. Makhlaevsky was despatched to the Whangpoo Wharf to await the arrival of the said vessel with instructions to locate the man and watch where he went. A similar telegram was also received by the French Police. On the arrival of P.O.S. Makhlaevsky at the Whangpoo wharf he found the vessel had already arrived at 4:10 p.m. and the subject of the telegram in the custody of two Japanese Consular Police who however left at 6 p.m. without taking the man with them. After the latter left the captain of the ship asked D.S. Duncan and P.O.S. Makhlaevsky to wait while he communicated with the manager of the D.K.K. who arrived about half an hour later and after consulting with the captain until 8 p.m. informed D.S. Duncan that the Japanese Consular Police would arrive soon and take the man into custody. At 9 p.m. the Consular Police had not arrived and the Captain apparently thinking they were not coming ordered the accused to leave the ship. Since the accused, however, had already confessed to the Municipal Police Officers that he had absconded from Harbin where he had falsified certain passports he was taken to Central Station and detained. He has been identified by Det. Baranoff of the Harbin Police who is in Shanghai at present in connection with another case.

Case or
File No.

2
19001

.....16.....2.....1929.

Accused. Michael B. Blin...

Charges (briefly). Falsifying passports

Detectives (Foreign and/or Chinese). D. S. Robertson

Station. San Francisco

Date of first hearing. 16. 2. 29

Date and time remanded to for appearance of Harbin Prison

Accused in custody or on bail. custody

Judge and S.C. Deputy; Shien & Stevens

Thompson
Court Inspector.

Extract from Shanghai Provisional Court Register for Thursday, 7th March 1929

Register No. 2/79001 Station Central Deputy Mr. Stevens Judge Mr. Chan

Page No. 2.

Further
Charges

For that he at the same time and place did fraudulently alter a passport, to wit, passport No. 33641. Contrary to Article No. 229 of the C.C.R.C.

For that he at the same time and place did counterfeit certain seals, to wit, the seals of the Harbin Authorities. Contrary to Article No. 234 of the C.C.R.C.

Proceedings

Mr. Bryan appeared for the Police.

Mr. Bryan:- In this case the Harbin Authorities are asking for the extradition of the accused. Since the last hearing Mr. Wong the detective from Harbin has been there and has now returned with a despatch warrant and the report of the investigating committee and also with evidence to prove a case against the accused. The Court will note that two additional charges of (1) Forgery of Passports and (2) Forgery of Seals, have been preferred against the accused.

Witness (Wong Ching Tsung):- I have here a true passport and a forged one (Handed to the Judge). The accused has used a chemical to take out the Russian writing originally on the passport and has substituted other writing. However, he has been unable to alter the Chinese characters and consequently the Russian and Chinese writing on the passport does not agree. (In reply to the Deputy) The seals are only on the passport issued to the holder, not on our duplicates. The old passports should be stamped when they are out of date. The passports are in three parts, the first part is now issued to the holder, the third part is retained by us for reference and the second part is sent on to our higher authorities. I only have the first and third parts in Court today.

Deputy:- If the third part is not here we cannot compare the seals etc.. The two parts you have are no use for comparison.

Witness:- All of the two parts are numbered and these can be compared.

Deputy:- I know they are numbered but the photographs are different and there is no evidence to show that a forgery has been

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committed.

Witness:- It will be noticed that in this particular passport the Russian writing states 21 years and the Chinese states 26 years, also the names are different.

Deputy:- I know that the passport does not compare with the stub but there is nothing to show that it has anything to do with the stub.

Witness:- If you compare the names it will be noticed that the Chinese names agree but the Russian do not.

Mr. Bryan:- I do not think Your Honour understands, if you read this statement the matter will be clear. (Handed to the Deputy).

Deputy:- What is there to show that the alleged forged portion was ever connected with the portion in the book? If you had the third portion here it would be possible to compare them.

Witness:- Here is the first and third portion but the middle portion is missing. It will be noticed that the numbers agree. When the time for the passport to expire had passed a new passport was issued to the original holder and the accused took the old one and altered the photograph and Russian writing. If a man did not hold a passport he could not be issued with one until ^{he} had a guarantor but if he had an old one he would be issued with a new one. These passports have to be renewed each year. If a man wanted a passport and he obtained a guarantor the suitability of this guarantor would have to be fully investigated by the Police before the passport would be issued. Thus a man who could not get a guarantor could obtain one of these out of date passports that had been altered and thus obtain a new one. Out of these two seals and two chops, one stamp and chop is genuine and the others false. The passport office is only issued with one chop and one stamp. The accused had these made.

Deputy:- Now, what proof have you that the accused in the

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man responsible for this?

Witness:- Here is a despatch warrant sent by the Harbin Authorities.

Deputy:- This despatch warrant does not prefer any charge against the accused, if the translation is correct.

Witness:- In the despatch is stated what has been discovered and the proof warranting the extradition of the accused.

Deputy:- This Court must have some specific guarantee that the accused will be tried on the charge for which he is extradited. He cannot be extradited on one charge and tried on another.

Witness:- This will not be done.

Decision

Endorsement by the Judge:-

Accused to be handed to Director Wong Tsung Fung to bring back.

Endorsement by the Deputy:-

In order that the subversive influence from without may not undermine the traditional political neutrality of this Settlement which has long secured a proper measure of protection to all law-abiding inhabitants regardless of their political creed or party affiliations, it has become the established practice of this Court in the absence of any agreement on the subject between the higher authorities, to grant an application for extradition only after the extra-Settlement authorities requesting the surrender have applied for it with a despatch warrant in proper form and bearing the seal of a responsible official. This warrant must identify the person wanted, charge him with a recognized offence against the recognized law of China beyond the jurisdiction of this Court and be accompanied by sufficient evidence to establish a *prima-facie* case of guilt.

When this accused was before the Court on Friday, February 16th and 19th respectively these requirements had not been complied with. The case was remanded twice to give the Harbin Authorities a reasonable time in which to file a proper despatch warrant and prefer a recognized charge.

A recognized charge has not been preferred by the Harbin Authorities nor is the evidence submitted sufficient to constitute a *prima-facie* case of guilt.

The prisoner shall be released from custody.

E.B.B.